

JOURNAL OF THE HOUSE

First Extraordinary Session, 91st GENERAL ASSEMBLY

SIXTH DAY, WEDNESDAY, SEPTEMBER 12, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

O Lord, with countless children of Yours over the ages, we too are feeling a deep and aching righteous anger. Our prayers this day are for our countrymen and women who have faced terror, some of whom are fighting for life, some grieving, some striving to rescue those still in danger.

We give You thanks for the heroes and valiant ones, medical personnel, police and firefighters, who have given their best in the cause of life.

We join our prayers now, with others, for our President and those who lead our President and those who lead our nation and state. Bless Your servants in this House, and sustain them in the hope that Your Light will dispel all darkness and all evil.

O Lord, we pray that "Your kingdom come and Your will be done". To You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as corrected.

On motion of Representative Crump, the House recessed until 7:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Kreider.

COMMITTEE REPORTS

Committee on Price Discrimination, Chairman Liese reporting:

Mr. Speaker: Your Committee on Price Discrimination, to which was referred **SB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCS SBs 4, 1, 5 & 6**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

HCS SCS SBs 4, 1, 5 & 6 - Fiscal Review and Government Reform (Fiscal Note)

COMMITTEE REPORTS

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SCS SBs 3, 8 & 9 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SCS SBs 4, 1, 5 & 6 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILL

HCS SCS SBs 4, 1, 5 & 6, relating to pharmaceutical assistance, was taken up by Representative Abel.

Representative Abel moved that Rule 43(a) be suspended for the purpose of taking up **HCS SCS SBs 4, 1, 5 & 6**.

Which motion was adopted by the following vote:

AYES: 094

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bearden	Bland	Bonner	Boucher
Bowman	Bray 84	Brooks	Burton	Byrd
Carnahan	Champion	Coleman	Copenhaver	Crawford
Crump	Curls	Daus	Davis	Dolan
Farnen	Foley	Franklin	Fraser	Gambaro
Graham	Gratz	Griesheimer	Hagan-Harrell	Harding
Hartzler	Haywood	Hegeman	Hilgemann	Holand
Hollingsworth	Holt	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 27	Kelly 36	Kennedy	Lawson
Liese	Lowe	Marsh	May 149	Mays 50
McKenna	Merideth	Monaco	Murphy	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Portwood
Ransdall	Relford	Reynolds	Rizzo	Robirds
Ross	Scheve	Scott	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
Surface	Thompson	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 043

Bartelsmeyer	Bartle	Behnen	Black	Boatright
Burcham	Cooper	Crowell	Cunningham	Dempsey
Enz	Fares	Froelker	Gaskill	Hanaway
Henderson	Hendrickson	Hohulin	Hunter	Jetton
Kelley 47	Kelly 144	King	Levin	Linton
Lograsso	Luetkemeyer	Marble	Mayer	Miller
Moore	Myers	Naeger	Phillips	Quinn
Rector	Richardson	Roark	Schwab	Secrest
St. Onge	Townley	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 025

Berkowitz	Berkstresser	Boykins	Britt	Campbell
Cierpiot	Clayton	Ford	George	Green 15
Green 73	Hampton	Harlan	Hickey	Hoppe
Koller	Legan	Long	Luetkenhaus	Purgason
Reid	Reinhart	Ridgeway	Troupe	Van Zandt

VACANCIES:001

Representative Abel moved that Rule 65(a) be suspended for the purpose of taking up **HCS SCS SBs 4, 1, 5 & 6.**

Which motion was adopted by the following vote:

AYES: 106

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bearden	Berkstresser	Bland	Bonner
Boucher	Bowman	Bray 84	Brooks	Burcham
Burton	Byrd	Carnahan	Champion	Coleman
Copenhaver	Crawford	Crump	Curls	Daus
Davis	Fares	Farnen	Foley	Franklin
Fraser	Froelker	Gambaro	Gaskill	Graham
Gratz	Griesheimer	Hagan-Harrell	Harding	Harlan
Hartzler	Haywood	Hegeman	Hilgemann	Holand
Hollingsworth	Holt	Hosmer	Johnson 61	Johnson 90
Jolly	Kelly 144	Kelly 27	Kelly 36	Kennedy
Lawson	Levin	Liese	Lowe	Marble
Marsh	May 149	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Naeger
O'Connor	O'Toole	Ostmann	Overschmidt	Portwood
Quinn	Ransdall	Relford	Reynolds	Rizzo
Robirds	Ross	Scheve	Schwab	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	Surface	Thompson	Treadway
Villa	Vogel	Wagner	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 031

Bartle	Behnen	Black	Boatright	Cooper
Crowell	Cunningham	Dempsey	Dolan	Enz
Hanaway	Henderson	Hendrickson	Hohulin	Hunter
Jetton	Kelley 47	King	Linton	Lograsso
Luetkemeyer	Mayer	Myers	Nordwald	Phillips
Rector	Roark	Scott	St. Onge	Townley
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 025

Ballard	Berkowitz	Boykins	Britt	Campbell
Cierpiot	Clayton	Ford	George	Green 15
Green 73	Hampton	Hickey	Hoppe	Koller
Legan	Long	Luetkenhaus	Purgason	Reid
Reinhart	Richardson	Ridgeway	Troupe	Van Zandt

VACANCIES: 001

Representative Abel offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 20, Section 208.559, Lines 3-6, by deleting all of said lines, beginning with the word “**Beginning**” and ending with the word “**sought**” and replacing in lieu thereof the following:

“Beginning with the enrollment period for fiscal year 2003, open enrollment periods for the program shall be held from January 1 to February 28.”.

On motion of Representative Abel, **House Amendment No. 1** was adopted.

Representative Abel offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 17, Section 208.556, Lines 31-33, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Abel, **House Amendment No. 2** was adopted.

Representative Naeger offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 14, Section 208.553, Line 3, by deleting “**pharmaceutical investment program for seniors**” and inserting in lieu thereof “**Missouri Senior Rx Program**”; and

Further amend said bill, Page 17, Section 208.556, Line 45, by deleting “**pharmaceutical investment program for seniors**” and inserting in lieu thereof “**Missouri Senior Rx Program**”; and

Further amend said bill, Page 19, Section 208.556, Line 112, by deleting the word “**senior**” and inserting in lieu thereof the word “**seniors**”; and

Further amend said bill, Page 19, Section 208.556, Line 114, by deleting “**pharmaceutical investment program for seniors**” and inserting in lieu thereof “**Missouri Senior Rx Program**”; and

Further amend said bill, Page 19, Section 208.556, Line 117, by deleting “**pharmaceutical insurance program for seniors**” and inserting in lieu thereof “**Missouri Senior Rx Program**”; and

Further amend said bill, Page 21, Section 208.568, Lines 1-2, by deleting “**Rx Program**” and inserting in lieu thereof “**Rx Program Fund**”; and

Further amend said bill, Page 21, Section 208.568, Lines 7-8, by deleting “**pharmaceutical investment program for seniors**” and inserting in lieu thereof “**Missouri Senior Rx Program**”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Naeger, **House Amendment No. 3** was adopted.

Representative Kelley (47) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 1, In the Title, Line 3, by deleting the words “**an emergency**” and inserting in lieu thereof the words “**a referendum**”; and

Further amend said bill, Page 22, Section B, Lines 1 to 5, by deleting all of said lines and inserting in lieu thereof the following:

“Section B. Section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in April, 2002, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Smith assumed the Chair.

Representative Byrd offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

House Substitute Amendment No. 1 for House Amendment No. 4 was withdrawn.

House Amendment No. 4 was withdrawn.

Speaker Kreider resumed the Chair.

Representative Byrd offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 21, Section 1, Line 5, by adding the following sentence:

“It is the intent of the legislature that if the modification to Section 135.095 is determined to be in violation of the constitution of the state of Missouri that the legislature would have passed the remainder of this bill absent the modifications to Section 135.095.”.

Representative Byrd moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Riback Wilson (25) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 16, Section 208.556, Line 15, by inserting after the word “a” the following: **“responsive, cost-effective”**; and

Further amend said bill, said section, Page 16, Line 15, by inserting after the word “no” the following: **“responsive, cost-effective”**.

On motion of Representative Riback Wilson (25), **House Amendment No. 5** was adopted.

Representative Wright offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 21, Section 1, Line 5, by inserting after said line the following:

“Section 2. The provisions of sections 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568 and Section 1, RSMo, shall expire on June 30, 2005”; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Wright moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 024

Ballard	Boatright	Cierpiot	Cooper	Cunningham
Dempsey	Fares	Froelker	Hendrickson	Hohulin
Hunter	Kelly 144	Lograsso	Luetkemeyer	May 149
Murphy	Myers	Phillips	Richardson	Roark
Schwab	St. Onge	Townley	Wright	

NOES: 118

Abel	Baker	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Bonner	Boucher	Bowman
Britt	Brooks	Burcham	Burton	Byrd
Carnahan	Champion	Coleman	Copenhaver	Crawford
Crowell	Crump	Curls	Daus	Davis
Dolan	Enz	Farnen	Foley	Franklin
Fraser	Gambaro	Gaskill	Graham	Gratz
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 27	Kelly 36	Kennedy	King
Lawson	Legan	Levin	Liese	Lowe
Marble	Marsh	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Naeger
Nordwald	O'Toole	Ostmann	Overschmidt	Portwood
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Ridgeway	Rizzo	Robirds
Ross	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Surface
Thompson	Treadway	Villa	Vogel	Wagner
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 020

Bartelsmeyer	Boykins	Bray 84	Campbell	Clayton
Ford	George	Green 15	Green 73	Holand
Koller	Linton	Long	Luetkenhaus	O'Connor
Purgason	Scheve	Scott	Troupe	Van Zandt

VACANCIES: 001

Representative Hosmer requested a verification of the roll call on the vote to adopt **House Amendment No. 6**.

On motion of Representative Abel, **HCS SCS SBs 4, 1, 5 & 6, as amended**, was adopted.

On motion of Representative Abel, **HCS SCS SBs 4, 1, 5 & 6, as amended**, was read the third time and passed by the following vote:

AYES: 144

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Carnahan
Champion	Cierpiot	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz

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Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Lawson	Legan
Levin	Liese	Lograsso	Lowe	Luetkemeyer
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Villa	Vogel	Wagner
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 003

Hendrickson	Hunter	Roark
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PRESENT: 000

ABSENT WITH LEAVE: 015

Boykins	Campbell	Clayton	Ford	George
Green 15	Green 73	Koller	Linton	Long
Luetkenhaus	O'Connor	Purgason	Troupe	Van Zandt

VACANCIES: 001

Speaker Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Bray 84	Britt
Burcham	Burton	Byrd	Carnahan	Champion
Cierpiot	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	Graham	Gratz	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy

King	Lawson	Legan	Levin	Liese
Lograsso	Lowe	Luetkemeyer	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Villa	Vogel	Wagner	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 003

Hendrickson	Hunter	Roark
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PRESENT: 000

ABSENT WITH LEAVE: 017

Boykins	Brooks	Campbell	Clayton	Ford
George	Green 15	Green 73	Hanaway	Koller
Linton	Long	Luetkenhaus	O'Connor	Purgason
Troupe	Van Zandt			

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 4**, entitled:

An act to repeal sections 277.203 and 277.212, RSMo, relating to livestock marketing, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HBs 5, 1 & 2**, entitled:

An act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, September 13, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifth Day, Tuesday, September 11, 2001, pages 34 and 35, roll call, by showing Representatives Burcham, Sanders Brooks and Wright voting "aye" rather than "absent with leave".

Pages 34 and 35, roll call, by showing Representative Reinhart voting "present" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - TRANSPORTATION

Thursday, September 13, 2001, 9:00 am. Hearing Room 4.
To get information from MODOT regarding personnel and safety.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, September 13, 2001, 8:30 am. Senate Committee Room 2.
13CSR 40-60.010 and 050. 11 CSR 40-5.065.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, September 13, 2001, 8:30 am. Hearing Room 1.
Full committee meeting. County Employees' Retirement Fund.
Subcommittee immediately following.

SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION

Thursday, September 13, 2001, 8:00 am. Hearing Room 7.
Presentation by Lincoln University. CANCELLED.

SUBCOMMITTEE ON LEGISLATIVE RESEARCH PERSONNEL

Thursday, September 13, 2001, 9:00 am. Hearing Room 2.
Closed meeting within the meaning of Chapter 610, RSMo.